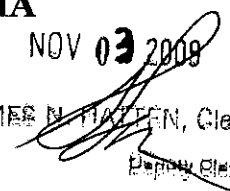


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

NOV 03 2009

JAMES N. HAZEN, Clerk
By:  Deputy Clerk

AT&T MOBILITY LLC F/K/A
CINGULAR WIRELESS LLC,

Plaintiff,

vs.

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS,

Defendant.

Civil Action File

No.

1 09-CV-3057

WSD

DECLARATION OF DEREK POARCH

Pursuant to 28 U.S.C. § 1746, and in support of Plaintiff's Motion for a Temporary Restraining Order, I, Derek Poarch, hereby declare as follows:

1. I am over 18 years of age, suffer from no legal disabilities, and am otherwise competent to make this declaration. The matters set forth herein are true of my own personal knowledge. If called to testify, I could and would competently testify as to the facts set forth herein.

2. I am President of Derek Poarch and Associates, LLC, a Lenoir, North Carolina based public safety consulting firm. My firm provides consulting advice to AT&T on various public safety matters.

3. Prior to establishing, Derek Poarch and Associates, I served as the Chief of the Federal Communications Commission's ("FCC") Public

Safety and Homeland Security Bureau. In that role, I managed the bureau responsible for FCC activities pertaining to public safety, homeland security, emergency management and disaster preparedness, and represented the FCC on those issues before federal, state, and industry organizations.

4. The FCC has encouraged wireless carriers to provide coverage maps to facilitate accurate comparisons by consumers. Carriers traditionally have used maps with darker shaded areas depicting coverage and white or blank areas depicting lack of coverage.

5. Coverage maps are important for consumers from a public safety perspective so that they know they have the ability to make 911 calls from wireless phones during national disasters and other emergencies.

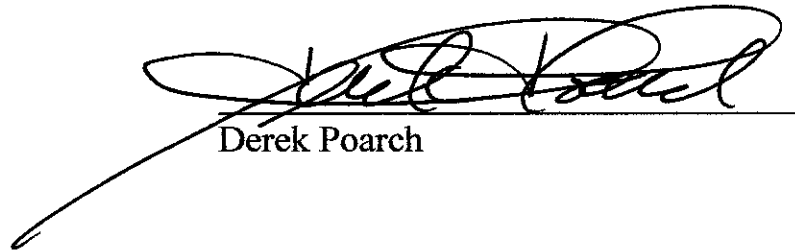
6. I have reviewed the "Bench" television advertisement. By depicting AT&T's coverage outside the "3G" area in the map as blank or white space, this commercial conveys the message that AT&T customers who are not in an AT&T "3G" coverage area do not have any coverage whatsoever, and, therefore, have no ability to use their wireless device for any purpose.

7. There is a public safety need for accurate, non-deceptive comparisons between and among wireless carriers and misleading

comparisons interfere with consumers' ability to make accurate judgments concerning wireless coverage.

I declare under penalty of perjury that the foregoing is true and correct.

This 27th day of October, 2009.



Derek Poarch